

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

von BORSTEL et al

Atty. Ref.: 1331-352

Serial No. 09/930,494

Group: 1623

Filed: August 16, 2001

Examiner: Patrick T. Lewis

For: COMPOSITIONS AND METHODS FOR  
TREATMENT OF MITOCHONDRIAL DISEASES

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

Your petitioner, Wellstat Therapeutics Corporation (previously known as Pro-Neuron, Inc.), having a business address 930 Clopper Road, Gaithersburg, Maryland 20878, the undersigned being the attorney of record, represents that it is the assignee, as evidenced by the assignment recorded in the United States Patent and Trademark Office on November 15, 2001 at Reel 012308, Frame 0970, of all right, title and interest in and to application Serial No. 09/930,494, filed August 16, 2001 for COMPOSITIONS AND METHODS FOR TREATMENT OF MITOCHONDRIAL DISEASES. Your petitioner hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any patent issuing from application Serial No. 09/763,955, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the

legal title to such patent granted on the above-identified application shall be the same as the legal title to any patent issuing from application Serial No. 09/763,955, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any patent issuing from application Serial No. 09/763,955 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The evidentiary documents accompanying this document or referred to above have been reviewed by the undersigned and it is certified that to the best of the assignee's knowledge and belief, title is in the assignee seeking to take action.

Respectfully submitted,  
**NIXON & VANDERHYE, P.C.**

/Leonard C. Mitchard/

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Name: Leonard C. Mitchard  
Reg. No. 29,009

November 25, 2009

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Date of Execution